

## Remarks

In the present response, claims 1 – 21 are presented for examination.

### Claim Rejections: 35 USC § 103(a)

Claims 1-5, 9, 11-15 and 21 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,657,667 (Anderson) in view of USPN 6,657,667 (Sakaegi). These rejections are traversed.

The claims recite one or more elements that are not taught or suggested in Anderson in view of Sakaegi. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

As one example, the independent claims 1, 11 and 21 recite using video object tracking to track the overlaid indicia as the overlaid indicia moves over the image displayed on the display as the camera is moved. The overlaid indicia indicate the overlapping area within the second photograph. The art does not teach or suggest these elements.

In Anderson, after the first image is captured, a portion of the first image is frozen onto the display. While this portion of the first image is still (i.e., not moving), the user aligns the next image with the still image. Anderson expressly teaches that the first image is still while the user aligns the next image to be captured:

Referring again to FIG. 7B, after displaying the live image in the live view zone in step 588, the user establishes horizontal and vertical alignment between the live image in the live view zone with the overlapping still images in the other zones in step 590 by altering the position of the camera. After aligning the live image with the still image in step 590, the user captures the image for the current pane in the composite image array in step 560 (FIG. 7A) and the process continues. (Emphasis added: See Anderson at column 9, lines 15-23).

After the user aligns the live view image with the still image in zone A and captures the image for image pane 3, image pane 4 becomes the current image pane. (Emphasis added: See Anderson at column 9, lines 34-36).

Figure 10B in Anderson shows how a portion of the first image (shown in Zone A as 440a) remains still as the second image (i.e., the image labeled “Live View”) is aligned with the first image. During this alignment process, the portion of the first image in Zone A does not move.

The teaching in Anderson is in direct contrast to claims 1, 11, and 21 that recite using video object tracking to track the overlaid indicia as the overlaid indicia moves over the image displayed on the display as the camera is moved. **Anderson would have no need for video object tracking since the first image remains still while the second image is aligned with the first image.**

Sakaegi teaches an electronic view finder in which the user can move the focus and exposure point. As shown in Fig. 2A of Sakaegi, the user can move the current focus point 201 to a new location 202. The user pans the camera and presses a switch and a cursor 203 with a “+” appears in the view finder (see Figs. 2B and 2C and Sakaegi at column 4, lines 15-22). The user moves the marker 201 to a point where the user considers the most desirable image sensing point (see column 6, lines 34-37). Then the cursor mark “+” is displayed, and the user pans the camera until the finder image determines the composition (see column 6, lines 38-49). Sakaegi also teaches motion detection that is used in conjunction with moving the cursor.

Nowhere does Sakaegi teach or even suggest using video object tracking to track the overlaid indicia as the overlaid indicia moves over the image displayed on the display as the camera is moved. As recited in claims 1, 11, and 21, the overlaid indicia indicate the overlapping area within the second photograph. The video object tracking in Sakaegi is used in conjunction with the moving cursor to change the focus and exposure point as explained above. In other words, Sakaegi uses motion detection for a completely different reason than using video object tracking as recited in claims 1, 11, and 21. These claims

recite that the video object tracking tracks the overlaid indicia that indicates the overlapping area within the second photograph.

Even assuming arguendo that the overlaid indicia in Sakaegi are box 201 and/or marker “+” 203, neither of these indicia “indicate the overlapping area within the second photograph.” No such second photo exists in Sakaegi because box 201 and marker 203 are being used to move the location of focus. And, as explained above, Anderson would have no need for video object tracking since the first image remains still while the second image is aligned with the first image.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, independent claims 1, 11, and 21 and their respective dependent claims are allowable over Anderson in view of Sakaegi.

#### **Claim Rejections: 35 USC § 103(a)**

Claims 6-8 and 16-18 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,657,667 (Anderson) in view of USPN 5,808,678 (Sakaegi) and USPN 6,545,708 (Tamayama). These rejections are traversed.

As explained above, independent claims 1 and 11 recite elements not taught or suggested in Anderson in view of Sakaegi. Tamayama fails to cure these deficiencies. Thus for at least the reasons given with respect to independent claims 1 and 11, respective dependent claims 6-8 and 16-18 are allowable.

#### **Claim Rejections: 35 USC § 103(a)**

Claim 10 is rejected under 35 USC § 103(a) as being unpatentable over USPN 6,657,667 (Anderson) in view of USPN 7,057,658 (Shioji). These rejections are traversed.

As explained above, independent claim 1 recites elements not taught or suggested in Anderson in view of Sakaegi. Shioji fails to cure these deficiencies. Thus for at least the reasons given with respect to independent claim 1, dependent claim 10 is allowable.

**Claim Rejections: 35 USC § 103(a)**

Claims 19-20 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,657,667 (Anderson) in view of USPN 6,008,844 (Tsuda). These rejections are traversed.

The claims recite one or more elements that are not taught or suggested in Anderson in view of Tsuda. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

As one example, independent claim 19 recites using video object tracking to track the transparent displayed image as the transparent displayed image moves across the display in a direction that is opposite to the direction of the subsequent photograph until the transparent displayed image overlaps a predetermined portion of the subsequent photograph that is to be taken. The art does not teach or suggest these elements.

In Anderson, after the first image is captured, a portion of the first image is frozen onto the display. While this portion of the first image is still (i.e., not moving), the user aligns the next image with the still image. Anderson expressly teaches that the first image is still while the user aligns the next image to be captured:

Referring again to FIG. 7B, after displaying the live image in the live view zone in step 588, the user establishes horizontal and vertical alignment between the live image in the live view zone with the overlapping still images in the other zones in step 590 by altering the position of the camera. After aligning the live image with the still image in step 590, the user captures the image for the current pane in the composite image array in step 560 (FIG. 7A) and the process continues. (Emphasis added: See Anderson at column 9, lines 15-23).

After the user aligns the live view image with the still image in zone A and captures the image for image pane 3, image pane 4 becomes the current image pane. (Emphasis added: See Anderson at column 9, lines 34-36).

Figure 10B in Anderson shows how a portion of the first image (shown in Zone A as 440a) remains still as the second image (i.e., the image labeled “Live View”) is aligned with the first image. During this alignment process, the portion of the first image in Zone A does not move.

The teaching in Anderson is in direct contrast to claim 19 that recites using video object tracking to track the transparent displayed image as the transparent displayed image moves across the display in a direction that is opposite to the direction of the subsequent photograph until the transparent displayed image overlaps a predetermined portion of the subsequent photograph that is to be taken. **Anderson would have no need for video object tracking since the first image remains still while the second image is aligned with the first image.**

Tsuda teaches determining a display position of a selection frame 111 based on movement of the camera. Nowhere does Tsuda teach or even suggest using video object tracking to track the transparent displayed image as the transparent displayed image moves across the display in a direction that is opposite to the direction of the subsequent photograph until the transparent displayed image overlaps a predetermined portion of the subsequent photograph that is to be taken. **Tsuda is not tracking transparent displayed images.** Tsuda is tracking the selection frame. **Tsuda also is not concerned with moving a transparent displayed image to overlap a predetermined portion of a subsequent photograph.** Tsuda is not taking a subsequent photograph, but is tracking the selection frame.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, claims 19-20 are allowable over Anderson in view of Tsuda.

### **CONCLUSION**

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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